



Control Number: 48787



Item Number: 27

Addendum StartPage: 0



RECEIVED

2019 MAY -1 PM 2:56

PUBLIC UTILITY COMMISSION
FILING CLERK
Kirk D. Rasmussen
Director (512) 615-1203
krasmussen@enochkeever.com

May 1, 2019

Commissioner Deann T. Walker, Chairman
Commissioner Arthur C. D'Andrea
Commissioner Shelly Botkin
Mr. Stephen Journeay
Public Utility Commission of Texas
1701 North Congress Avenue
Austin, Texas 78711-3326

Re: PUC Docket No. 48787; SOAH Docket No. 473-19-1266; *Application of LCRA Transmission Services Corporation and AEP Texas Inc., to Amend Their Certificates of Convenience and Necessity for the Proposed Bakersfield to Solstice 345-kV Transmission Line in Pecos County, Texas*

Dear Commissioners and Mr. Journeay:

LCRA Transmission Services Corporation (LCRA TSC) has reviewed the Proposed Order submitted by the Public Utility Commission's (Commission) Office of Policy and Docket Management in the above-referenced case. After reviewing it, LCRA TSC submits the following recommended modifications to the Proposed Order:

- Proposed Finding of Fact No. 23: In order to avoid confusion, LCRA TSC recommends the parenthetical "(within 500 feet of the proposed centerline of the route)" be replaced with "(land for which an easement or other property interest would be obtained over all or any portion of it or containing a habitable structure within 500 feet of the centerline of the transmission project)" to align proposed Finding of Fact 23 with the definition of "directly affected" contained in 16 Texas Administrative Code (TAC) § 22.52(a)(3).
- Proposed Finding of Fact No. 137: As set forth in proposed Finding of Fact 53, a brief hearing on the merits was convened in this docket on February 19, 2019, in which evidence was offered and admitted into the record. Accordingly, LCRA TSC recommends proposed Finding of Fact 137 be replaced in its entirety with the following: "Although a hearing was not necessary, a hearing was convened for the limited purpose of receiving uncontested evidence, the parties' stipulation, and an oral request to remand based on the parties' settlement."

ENOCH KEEVER PLLC

Bridgepoint Plaza
5918 W. Courtyard Drive, Suite 500
Austin, Texas 78730

p: 512.615.1200
f: 512.615.1198

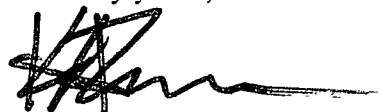
enochkeever.com

1 27

The finding that a hearing is not necessary is required for informal disposition under 16 TAC § 22.35 without a hearing, but the present case is not being resolved without a hearing. Rather, this case was returned to the Commission after a brief evidentiary hearing was held at the State Office of Administrative Hearings. Accordingly, this finding could be misleading as currently stated. If necessary to avoid confusion, LCRA TSC would not oppose the removal of heading number 29, Informal Disposition, or conclusion of law number 14, as neither is required in this docket.

Other than as noted above, LCRA TSC has no additional proposed modifications to the Proposed Order.

Sincerely yours,



Kirk D. Rasmussen

cc: PUC Central Records
Administrative Law Judges Steven Neinast and Gabriel Soto
All parties